

1 Patrice L. Bishop (182256)  
 2 [service@ssbla.com](mailto:service@ssbla.com)  
 3 STULL, STULL & BRODY  
 4 10940 Wilshire Boulevard  
 5 Suite 2300  
 6 Los Angeles, CA 90024  
 7 Tel: (310) 209-2468  
 8 Fax: (310) 209-2087

9  
 10 Jules Brody  
 11 Aaron L. Brody  
 12 [SSBNY@aol.com](mailto:SSBNY@aol.com)  
 13 STULL, STULL & BRODY  
 14 6 East 45th Street  
 15 New York, NY 10017  
 16 Tel: (212) 687-7230  
 17 Fax: (212) 490-2022

18 Counsel for Plaintiff

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20 **UNITED STATES DISTRICT COURT**  
 21  
**NORTHERN DISTRICT OF CALIFORNIA**

22

23 CHRIS CRIMI, on Behalf of Himself and )  
 24 All Others Similarly Situated, )  
 25 Plaintiff, )  
 26 v. )  
 27 EDWARD W. BARNHOLT, H. )  
 28 RAYMOND BINGHAM, ROBERT T. )  
 1 BOND, RICHARD J. ELKUS, JR., )  
 2 STEPHEN P. KAUFMAN, KENNETH )  
 3 LEVY, MICHAEL E. MARKS, DEAN O. )  
 4 MORTON, KENNETH L. SCHROEDER, )  
 5 JON D. TOMPKINS, RICHARD P. )  
 6 WALLACE, KLA-TENCOR )  
 7 CORPORATION, and DOES 1 through 25, )  
 8 Defendants. )  
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CASE NO. C 08-02249 CRB

**CLASS ACTION**

**STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING DATE ON MOTION TO DISMISS AND ESTABLISHING BRIEFING SCHEDULE FOR: (i) DEFENDANT'S MOTION TO DISMISS; AND (ii) PLAINTIFF'S MOTION FOR REMAND**

1 WHEREAS, on September 4, 2007, plaintiff Chris Crimi (“Plaintiff”) filed a Complaint for  
2 alleged violations of state law against defendant KLA-Tencor Corporation (“KLA-Tencor”) and  
3 certain of the members of its Board of Directors with that Superior Court of the State of California  
4 for the County of Santa Clara (the “State Court”);

5 WHEREAS, on November 14, 2007, KLA-Tencor filed their Motion to Stay plaintiff's  
6 Complaint, and on January 8, 2008, filed a Demurrer to plaintiff's Complaint;

7 WHEREAS, after briefing and hearing on the Motion to Stay, on February 29, 2008, the  
8 State Court granted KLA-Tencor's Demurrer with leave to amend and denied the Motion to Stay  
9 without prejudice;

10 WHEREAS, on April 1, 2008, Plaintiff filed his Amended Complaint;

11 WHEREAS, on April 30, 2008, KLA-Tencor filed its Notice of Removal with this Court;

12 WHEREAS, on May 7, 2008, KLA-Tencor filed a Motion to Dismiss the Amended  
13 Complaint, scheduling it for hearing on Friday, June 13, 2008 at 10:00 a.m.;

14 WHEREAS, Plaintiff has informed KLA-Tencor that he intends to file a Motion for Remand  
15 and believes that the Motion for Remand should be heard prior to or on the same day of the Motion  
16 to Dismiss;

17 WHEREAS, the parties have agreed to continue the hearing on KLA-Tencor's Motion to  
18 Dismiss, if so agreed to by the Court, to a mutually convenient date on which the Motion for  
19 Remand may also be heard;

20 WHEREAS, due to conflicts in counsel's schedule, the parties have agreed that, if so  
21 granted by this Court, the hearing on the Motion to Dismiss and Motion for Remand should be on  
22 Friday, July 18, 2008 at 10:00 a.m.:

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1 IT IS HEREBY STIPULATED between the parties, by their counsel of record, that:

2 With regards to the Motion to Dismiss:

3 1. Plaintiff's Opposition to the Motion to Dismiss will be filed and served on Thursday,  
4 June 12, 2008;

5 2. Defendant's Reply in Support of the Motion to Dismiss will be filed and served on  
6 Thursday, July 3, 2008;

7 3. Hearing on the Motion to Dismiss will be on Friday, July 18, 2008 at 10:00 a.m., or a  
8 later date which is convenient to the Court.

9 With regards to the Motion to Remand:

10 1. Plaintiff's Motion to Remand will be filed and served on Thursday, May 29, 2008;

11 2. Defendant's Opposition to the Motion to Remand will be filed and served on  
12 Thursday, June 26, 2008;

13 3. Plaintiff's Reply in Support of the Motion to Remand will be filed and served on  
14 Thursday, July 3, 2008;

15 4. Hearing on the Motion to Remand will be on Friday, July 18, 2008 at 10:00 a.m., or  
16 a later date which is convenient to the Court.

17 IT IS SO STIPULATED.

18 **ATTESTATION OF PATRICE L. BISHOP**

19 I, Patrice L. Bishop, hereby attest that the contents of this document are acceptable to all  
20 persons required to sign it. I further attest that I have on file all holograph signatures for any  
21 signatures indicated by a "conformed" signature (/s/) within this efiled document.

22 Dated: May 22, 2008

Patrice L. Bishop  
STULL, STULL & BRODY

24 By:

/s/  
Patrice L. Bishop  
10940 Wilshire Boulevard  
Suite 2300  
Los Angeles, CA 90024  
Tel: (310) 209-2468  
Fax: (310) 209-2087

1 Jules Brody  
2 Aaron L. Brody  
3 STULL, STULL & BRODY  
4 6 East 45th Street  
5 New York, NY 10017  
6 Tel: (212) 687-7230  
7 Fax: (212) 490-2022

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Counsel for Plaintiff

Dated: May 22, 2008

John H. Hemann  
Joseph E. Floren  
Matthew Weiler  
MORGAN LEWIS & BOCKIUS LLP

By: /s/  
Matthew Weiler  
One Market Spear Street Tower  
San Francisco, CA 94105-1126  
Tel: (415) 442-1000  
Fax: (415) 442-1001

Counsel for Defendant

~~[Proposed] ORDER~~

Pursuant to the Stipulation of the parties, good cause having been shown, IT IS HEREBY  
ORDERED THAT:

With regards to the Motion to Dismiss:

1. Plaintiff's Opposition to the Motion to Dismiss will be filed and served on Thursday, June 12, 2008;
2. Defendant's Reply in Support of the Motion to Dismiss will be filed and served on Thursday, July 3, 2008;
3. Hearing on the Motion to Dismiss will be on Friday, July 18, 2008 at 10:00 a.m.

**With regards to the Motion to Remand:**

1. Plaintiff's Motion to Remand will be filed and served on Thursday, May 29, 2008;
2. Defendant's Opposition to the Motion to Remand will be filed and served on Thursday, June 26, 2008;
3. Plaintiff's Reply in Support of the Motion to Remand will be filed and served on Thursday, July 3, 2008;
4. Hearing on the Motion to Remand will be on Friday, July 18, 2008 at 10:00 a.m.

IT IS SO ORDERED.

Dated: May 27, 2008

**HONORABLE CHARLES R. BREYER  
DISTRICT COURT JUDGE**

IT IS SO ORDERED  
*CRB*  
Judge Charles R. Breyer